

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of:	)	
	)	
RNK, Inc. d/b/a RNK Telecom, Nuvio	)	
Corporation, Unipoint Enhanced Services d/b/a	)	
PointOne, Dialpad Communications, Inc.,	)	CC Docket No. 99-200
Vonage Holdings Corporation, and VoEX, Inc.	)	
Petitions For Limited Waiver of	)	
Section 52.15(g)(2)(i)	)	

**COMMENTS OF THE IOWA UTILITIES BOARD**

**Introduction**

On March 11, 2005, the Federal Communications Commission (Commission) released a Public Notice in CC Docket No. 99-200. The Commission is seeking comment on petitions by six Voice over Internet Protocol (VoIP) providers for limited waivers of the Commission's numbering rules pursuant to 47 C.F.R. § 52.15(g)(2)(i). The waivers would allow the six VoIP providers to obtain numbering resources directly from the North American Numbering Plan Administrator (NANPA) and/or the Pooling Administrator (PA). The six VoIP providers seek the same relief the Commission recently granted to SBC Internet Services, Inc. (SBCIS).<sup>1</sup>

**Discussion**

The Iowa Utilities Board (IUB) did not support the initial waiver sought by SBCIS.<sup>2</sup> The Commission's order approving the SBCIS waiver has now opened

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<sup>1</sup> See *In the Matter of Administration of the North American Numbering Plan*, CC Docket No. 99-200, FCC 05-20, released Feb. 1, 2005 (Order).

<sup>2</sup> See comments filed by Iowa Utilities Board on August 16, 2004, CC Docket No. 99-200.

the door to the rest of the emerging VoIP industry to seek similar waivers.<sup>3</sup> If additional waivers are to be granted, the Commission must be cognizant of the potential for harm to area code stability that could result. Thus, the Commission needs to condition any approval of additional waivers to minimize the likelihood of such harm occurring.

In granting the initial waiver, the Commission notes that “SBCIS will be able to obtain blocks of 1,000 numbers in areas where there is pooling, as opposed to obtaining a block of 10,000 numbers.”<sup>4</sup> This statement does not appear to recognize that in rural states, pooling is not widespread. Iowa, for example, has 816 rate centers, yet in 396 of these rate centers pooling is “excluded” because mandatory pooling is limited to the top 100 metropolitan statistical areas. Furthermore, there is no current requirement that would prohibit SBCIS from requesting numbering resources in each of Iowa’s rate centers. If that were to happen, at least 396 full codes of 10,000 numbers would need to be assigned. Granting waivers to additional VoIP providers increases the risk of this scenario occurring. In three of Iowa’s number planning areas (319, 641, and 712), just a few blanket requests for numbering resources would expose those area codes to jeopardy.

Although some may question the likelihood of this scenario occurring, it is reasonable to assume that consumers using a VoIP service to replace their existing telephone service would want their neighbors to be able to call them via a local call. Therefore, VoIP providers have a clear incentive to provide local

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<sup>3</sup> See Order at paragraph 4.

<sup>4</sup> See Order at paragraph 9.

telephone numbers wherever they offer service. And VoIP providers would have the capability to provide service in most of Iowa's "excluded" rate centers because the necessary broadband connection is widely available. Nevertheless, if additional waivers are to be granted, the IUB recommends the Commission condition its orders to preclude VoIP providers from obtaining numbering resources directly from the NANPA or PA in rate centers "excluded" from pooling. Such action would still allow VoIP providers easy access to numbering resources in metropolitan areas where pooling is currently employed. In "excluded" rate centers, VoIP providers could continue to obtain numbering resources by purchasing a PRI ISDN line from a certificated local exchange carrier, and then using that product to interconnect with the public switched telephone network. Precluding VoIP providers from obtaining numbering resources directly from the NANPA or PA in "excluded" rate centers will help rural states maintain the integrity of existing area codes.

In granting the initial waiver, the Commission requested "the North American Numbering Council (NANC) to review whether and how our numbering rules should be modified to allow IP-enabled service providers access to numbering resources in a manner consistent with our numbering optimization policies."<sup>5</sup> The IUB notes that the NANC has referred this issue to its Future of Numbering Working Group (Working Group), and staff of the IUB is a participant. However, the Working Group was actively engaged with a previous assignment at the time the Commission issued the SBCIS order. At the present time, the Working Group has just begun to address the Commission's request from the

SBCIS order, and little progress has been made towards developing a report and recommendations. It would be a case of putting the “cart before the horse” if the Commission were to grant additional waivers before the Working Group has issued its report and recommendations.

### **Recommendations**

In granting additional waivers of 47 C.F.R. § 52.15(g)(2)(i), the Commission should condition its orders to preclude VoIP providers from obtaining numbering resources directly from the NANPA or PA in rate centers “excluded” from pooling. Furthermore, the Commission should refrain from granting additional waivers of 47 C.F.R. § 52.15(g)(2)(i) until NANC’s Future of Numbering Working Group has issued its report and recommendations regarding how the Commission’s rules should be modified to allow IP-enabled service providers access to numbering resources.

April 11, 2005

Respectfully submitted,

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<sup>5</sup> See Order at paragraph 1.